

FILED

OCT 15 1997

BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

SECRETARY, BOARD OF
OIL, GAS & MINING

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IN THE MATTER OF THE FIVE YEAR	:	STIPULATION, MOTION AND
PERMIT RENEWAL, CO-OP MINING	:	ORDER FOR PRE-HEARING
COMPANY, BEAR CANYON MINE,	:	SCHEDULING AND DISCOVERY
EMERY COUNTY, UTAH	:	ORDER
	:	
	:	DOCKET NO. 95-025
	:	CAUSE NO. ACT/015/025

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The Division of Oil, Gas and Mining ("the Division"), Co-op Mining Company ("Co-op") and Castle Valley Special Service District, Huntington-Cleveland Irrigation Company and the North Emery Water Users Association (collectively, "Water Users") move the Board of Oil, Gas and Mining ("the Board") to issue an order consistent with the stipulation outlined below. The stipulation will allow the parties sufficient time to prepare their respective cases and will provide the Board time to rule on preliminary matters.

STIPULATION

The Division, Co-op and the Water Users HEREBY STIPULATE AND AGREE TO THE FOLLOWING SCHEDULING ORDER:

1. The hearing date is moved to April 22, 1998. There is the strong probability the hearing will require additional days to complete. The Parties are willing to hold the hearing from April 22-24 and, if needed, complete the hearing on April 27, 1998.

2. The Division, Co-op and the Water Users shall have until Friday, November 14, 1997 to serve on the Parties, and to file with the Board's Secretary a supplemental Memorandum (original and 12 copies), not to exceed 10 pages in length, not counting exhibits, limited to the issues of whether a hearing examiner should be appointed by the Board and whether Water Users objections are barred by collateral estoppel. Responses shall be due from each party 10 days thereafter and shall be limited to 10 pages as well. The Board shall rule on the issues on or before the December 10, 1997 Board Hearing.

3. By February 10, 1998, Co-op and the Water Users shall serve on the Division and file with the Board's Secretary their respective Witness List (original and 12 copies).

4. By March 10, 1998, the Division shall serve on Co-op and the Water Users and file with the Board's Secretary the Division's Witness List (original and 12 copies).

5. The Parties shall coordinate amongst themselves to make their respective pre-identified witnesses available for oral depositions during the business days between the dates March 2-12, 1998, inclusive. However, if all counsel agree to take a deposition on a date not falling within the stated period, that is permissible so long as the mutually agreed date does not and will not interfere in any way with the hearing date, or any of the other deadlines, set in this matter.

6. Dispositive motions, if any, shall be served on the Parties and filed with the Board's Secretary (original and 12 copies) no later than Tuesday, March 30, 1998. (If a dispositive motion is served and filed on or near said deadline, the dispositive motion shall be served so as to arrive at opposing counsel's office no later than 5 p.m. Salt Lake City time on March 30, 1998). Responses in support or opposition to any such dispositive

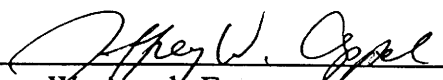
motions shall be served and filed with the Secretary (original and 12 copies) no later than Thursday, April 9, 1998. No replies to the responses shall be served and filed.

7. The Division, Co-op and the Water Users shall serve and file their respective Exhibit Lists and pre-marked Exhibits (original set and 12 copy set) with the Board's Secretary by Friday, April 10, 1998.


8. Motions, if any, by a Party to amend its Witness List shall be served on the other Parties and filed with the Secretary (original and 12 copies) no later than April 10, 1998, and such motions will only be granted for good cause shown.

9. On the date the Parties must file their respective Exhibit Lists and Pre-marked Exhibits with the Board's Secretary (i.e. April 10, 1998), they shall provide the other parties courtesy copy sets of the same.

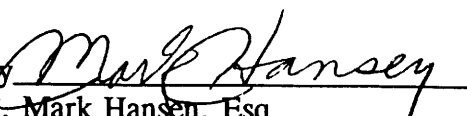
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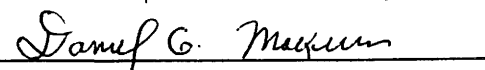
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MOTION

The Division of Oil, Gas & Mining, Co-op and Castle Valley Special Service District, and the Water Users request that the Board issue an order consistent with the above Stipulation.

ORDER

Having read the Joint Motion and Stipulation to the Pre-Hearing Scheduling and Discovery Order submitted by the Division of Oil, Gas and Mining ("Division"), Co-op Mining Company ("Co-op") and Castle Valley Special Service District, and Huntington-Cleveland Irrigation Company (collectively, "Water Users") in the above-referenced matter, for good cause, the Utah Board of Oil, Gas and Mining hereby grants the Motion based on the foregoing Stipulation and adopts the Stipulation as a Board Order.

GRANTED this 15th day of October, 1997.

STATE OF UTAH
BOARD OF OIL, GAS AND MINING



Dave D. Lauriski, Chairman

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing STIPULATION, MOTION AND ORDER FOR PRE-HEARING SCHEDULING AND DISCOVERY ORDER for Docket No. 95-025, Cause No. ACT/015/025 to be mailed by first-class mail, postage prepaid, this 15th day of October, 1997, to the following:

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